IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 19131 of 1994

Between:

Smt. A.Laxmi Devi, W/o. Sri.A,Bhaskar Rao.
Srisailam Left Canel Division, Tipparti, Nalgonda.
R/o. Q.No.B.10, NSC (Camp), Nagarjuna Sagar, Miryalguda.

..... PETITIONER

AND

1 Superintending Engineer, NSLB O&M Circle,
Miryalguda, Nalgonda.

2 The Executive Engineer, NSC Division,
Miryalguda, NAlgonda.

3 The Deputy Executive Engineer, NSC Sub-Division No-1

Camp Building, Miryalguda, Nalgonda.

4 The Assistant Executive Engineer, NSC Camp Building,
Miryalguda, Nalgonda.

5 G.Janardhan,
B-2, Section Office of the Superintendent Engineer,

NSLBC O&M Circle,
Miryalguda, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction particularly one in the nature of Writ of

Mandamus declaring the action of the 1st respondent in issuing the impugned proceedings bearing letter No. B2/Cash/103/1477 M, dated 27/09/1994 for evicting the petitioner from the quarter bearing No.B/10 in NSP (NSC) Camp, Miryalguda in the name of the petitioner from the name of the Petitioner's Late Husband.

Counsel for the Petitioner : MR.C.NARENDER

Counsel for the Respondents : GP FOR IRRIGATION &

COMM AREA DEV.

The Court made the following :

ORAL ORDER:

This writ petition is filed by the wife of the deceased employee of the Irrigation Department in N.S.C. Camp Building, Miryalguda, who was employed on compassionate grounds in the Irrigation Department in S.L.B.C. Division. The petitioner in this writ petition seeks retention of quarters allotted to her late husband and to transfer the said allotment in her name.

It is her case that she has four children and that her father is aged and is bed ridden. She also stated that her second daughter delivered on 20-10-1994 and that her other children are studying at Miryalguda. The notice of the 4th respondent asking her to vacate the quarter is subject matter of challenge in this writ petition.

A counter affidavit is filed on behalf of the respondents wherein it is stated that is not obligatory for the respondent authorities to provide accommodation to the petitioner and that several other government employees are being paid house rent allowance in lieu of allotment of quarters. It is stated that the petitioner has no right to demand allotment of quarters in her name as she belongs to a different organization and that her right to continue in the quarters ceased with the death of her husband. It is stated that the petitioner overstayed in the quarters for past four years. It is also stated that sufficient quarters are available for accommodating staff of Srisailam Left Bank Canal and there is no reason why the petitioner should stay at Miryalguda when her place of work is 24 Kms. away from where she seeks retention of quarters. It is also stated that on account of non-vacation of quarters by the petitioner, the organization is forced to pay huge sums towards house rent allowance and additional house rent allowance to employees deprived of such accommodation.

This Court by order in W.P.M.P.Nos.23482 and 23483 of 1994 in

W.P.No.19131 of 1994 (present writ petition) held that the petitioner continued to remain in the quarters unauthorizedly even though she was not eligible to stay there. The W.P.M.Ps. filed by the petitioner were accordingly dismissed.

Learned counsel for the petitioner submits that in case the petitioner still continues to remain in the quarters, she be granted some time to vacate the quarters. Learned counsel for the respondent draws my attention to one proceedings, in the material papers filed along with the writ petition, wherein the petitioner requested for continuance in the said quarters only for the year 1994-95. Inasmuch the petitioner's request for continuance in the quarters was only for the year 1994-95, her continuance in the said quarter being without authorization, and inasmuch as ten years have lapsed since then, no relief can now be granted in favour of the petitioner.

The writ petition is accordingly dismissed. In case the petitioner still continues to remain in the said quarters as on date, she shall vacate the same latest by 31-7-2005.

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17-6-2005

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To:

1 Superintending Engineer, NSLB O&M Circle,
Miryalguda, Nalgonda.

2 The Executive Engineer, NSC Division,
Miryalguda, NAlgonda.

3 The Deputy Executive Engineer, NSC Sub-Division No-1

Camp Building, Miryalguda, Nalgonda.

4 The Assistant Executive Engineer, NSC Camp Building,
Miryalguda, Nalgonda.

5. Two C.Cs. to the G.P. for Irrigation & Command Area Development, High Court Buildings, Hyderabad (OUT)

6. Two C.D. copies